

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA *ex rel.*
ROSEMARIE HENNESSEY,

Plaintiffs,

v.

DR. VIKAS DESAI, et al.,

Defendants.

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FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ AUG 12 2015 ★
LONG ISLAND CITY, N.Y.

**STIPULATION AND
ORDER TO BE
FILED UNDER SEAL**

Civil Action No.
CV-10-3851

(Wexler, J.)

WHEREAS, on or about August 18, 2010, Relator Rosemarie Hennessey ("Relator") filed the above-referenced action, in which she asserted claims on behalf of the United States pursuant to the *qui tam* provisions of the federal False Claims Act, 31 U.S.C. § 3729 *et seq.* (the "FCA");

WHEREAS, in accordance with 31 U.S.C. § 3730(b), Relator's complaint was deemed sealed for a period of at least sixty days from the date of service of Relator's disclosure material on the United States;

WHEREAS, the defendants in this case have not been served with the complaint in this action, and thus have not filed an Answer;

WHEREAS, the United States has elected to intervene in this action against certain defendants, namely Vikas Desai, M.D., Edmund Ross, M.D. and Robert Maccone, M.D.;

WHEREAS, Relator has informed the United States that she seeks to voluntarily dismiss her complaint against the remaining defendants without prejudice;

WHEREAS, the United States does not object to the case against all defendants

In CV 3851 Relator's dismissal of remaining defendants without prejudice.

other than Drs. Desai, Ross and Maccione being dismissed without prejudice;

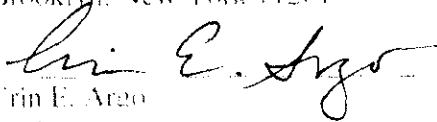
THEREFORE, IT IS HEREBY STIPULATED AND AGREED between Relator's counsel and the undersigned counsel for the United States that:

1. Relator's complaint, and any and all claims contained therein against all defendants other than Drs. Desai, Ross and Maccione in that complaint, is hereby dismissed without prejudice pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure.
2. The United States does not object to this action being dismissed without prejudice as to all defendants other than Drs. Desai, Ross and Maccione.
3. The Clerk of the Court shall provide the United States Attorney's Office, Eastern District of New York, 271 Cadman Plaza, Brooklyn, New York 11201, Attn: AUSA Erin E. Argo with a copy of this fully executed order.

Dated: Brooklyn, New York
August 12, 2015

KELLY L. CURRIE
Acting United States Attorney
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201

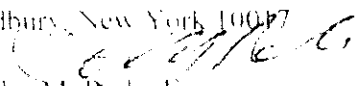
By:


Erin E. Argo
Assistant U.S. Attorney
(718) 254-6049

Dated: Woodbury, New York
August 17, 2015

THE LAW OFFICE OF DOUGLAS M.
REDA
180 Trochich Farm Road
Woodbury, New York 10077

By:


Douglas M. Reda, Esq.
Attorney for Relator
(516) 921-1873

10-CV-3851 Relator's dismissal of remaining defendants without prejudice

SO ORDERED:

Dated: Central Islip, New York

AUGUST 12, 2015



THE HONORABLE LEONARD D. WEXLER
UNITED STATES DISTRICT JUDGE, E.D.N.Y.